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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,094	06/26/2003	Jany-Yee Hsu	CNTP0005USA	1093

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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION  
P.O. BOX 506  
MERRIFIELD, VA 22116

EXAMINER
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TRAN, TUAN A

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/604,094	<b>Applicant(s)</b> HSU ET AL.	
	<b>Examiner</b> Tuan A. Tran	<b>Art Unit</b> 2682	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2 and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Challen et al. 94,171,516).

Regarding claims 1 and 5, Challen discloses an apparatus for performing a method of eliminating irritating noise at the moment of the end conversation for a walkie-talkie having a receiving loop (See fig. 1), the apparatus operating and comprising: a first detector 23 for determining whether a non-standard CTCSS (Continuous Tone Controlled Squelch system) tone signal (135 degree phase shifted standard CTCSS tone signal) in a predetermined frequency range (60-250 Hz) is included in a radio frequency signal received by the walkie-talkie by using the first detector 23; and stopping receiving subsequent radio frequency signals if the non-standard CTCSS tone signal in the predetermined frequency range is included in the radio frequency signal (See fig. 1 and col. 3 lines 26-63, col. 5 lines 30-47).

Regarding claim 2, Challen discloses as cited in claim 1, Challen further discloses a second detector 22 for detecting whether a standard CTCSS tone signal in the predetermined frequency range (60-250 Hz) is included in the radio frequency signal received by the walkie-talkie if the non-standard CTCSS tone signal in the

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predetermined frequency range is not included in the radio frequency signal; and delivering the radio frequency signal to the receiving loop if the standard CTCSS tone signal is included in the radio frequency signal by using the second detector 22 (See fig. 1 and col. 3 lines 25-63).

Regarding claim 4, Challen discloses as cited in claim 1. Challen further discloses a frequency range of the non-standard CTCSS tone signal (135 degree phase shifted standard CTCSS tone signal) is between 62.5 Hz-250 Hz but is not overlapping (in time dimension as disclosed by Specification, fig. 5 and page 8) the frequency range used by the standard CTCSS tone signal (See col. 3 lines 35-37 and col. 5 lines 30-38).

Regarding claims 6 and 8, Challen discloses an apparatus for transmitting a radio frequency signal for a walkie-talkie having a push-to-talk (PTT) button comprising: means for outputting a standard CTCSS tone signal when the PTT button is triggered (microphone is keyed) and outputting a non-standard CTCSS tone signal when the PTT button is released (microphone is unkeyed) (See col. 5 lines 30-33).

Regarding claim 7, Challen discloses as cited in claim 6. Challen further discloses a frequency range of the non-standard CTCSS tone signal (135 degree phase shifted standard CTCSS tone signal) is between 62.5 Hz-250 Hz but is not overlapping (in time dimension as disclosed by Specification, fig. 5 and page 8) the frequency range used by the standard CTCSS tone signal (See col. 3 lines 35-37 and col. 5 lines 30-38).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Challen et al. (4,171,516).

Regarding claim 3, Challen discloses as cited in claim 1. However, Challen does not mention a select button wherein the select button is pressed so that the radio frequency signal is capable of being transmitted to the first detector to detect. Since Challen does disclose that the radio frequency signal is transmitted to first and second detectors to detect both non-standard and standard CTCSS tones (See fig. 1); therefore, it would have been obvious to one skilled in the art at the invention was made to add a button for selecting type of tone detection for the advantage of giving a user a higher degree of freedom in operating the device.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sanada (6,697,646); Bly et al. (5,715,281); Henke et al. (4,484,355); Freeburg et al. (4,131,849).

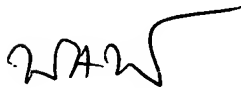
### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tuan Tran



Matthew D. Anderson